

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MIKE AARLIE,

Plaintiff,

vs.

KIM EATON, et al.,

Defendants.

NO. CV-06-3028-CI

REPORT AND RECOMMENDATION TO
DISMISS ACTION FOR FAILURE TO
COMPLY WITH FILING FEE
REQUIREMENTS

By Order filed June 29, 2006, the court directed Mr. Aarlie to complete and file an *in forma pauperis* application or to pay the \$250.00 filing fee for this action. Plaintiff did not comply. Accordingly, **IT IS RECOMMENDED** this action be **DISMISSED without prejudice** fore failure to comply with the filing fee requirements of 28 U.S.C. § 1915.

OBJECTIONS

Any party may object to a magistrate judge's proposed findings, recommendations or report within ten (10) days following service with a copy thereof. Such party shall file with the District Court Executive all written objections, specifically identifying the portions to which objection is being made, and the basis therefor. Attention is directed to Fed. R. Civ. P. 6(e), which adds another three (3) days from the date of mailing if service is by mail.

1 A district judge will make a *de novo* determination of those
2 portions to which objection is made and may accept, reject, or modify
3 the magistrate judge's determination. The district judge need not
4 conduct a new hearing or hear arguments and may consider the
5 magistrate judge's record and make an independent determination
6 thereon. The district judge may also receive further evidence or
7 recommit the matter to the magistrate judge with instructions. See 28
8 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 73, and LMR 4, Local
9 Rules for the Eastern District of Washington. A magistrate judge's
10 recommendation cannot be appealed to a court of appeals; only the
11 district judge's order or judgment can be appealed.

12 **IT IS SO RECOMMENDED.** The District Court Executive is directed
13 to enter this Report and Recommendation and forward a copy to
14 Plaintiff at his last known address.

15 DATED August 15, 2006.

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17 S/ CYNTHIA IMBROGNO
18 UNITED STATES MAGISTRATE JUDGE
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